

### **REMARKS**

Applicant respectfully requests continued examination of the present patent application pursuant to 37 C.F.R. § 1.114. In the Advisory Action mailed on March 17, 2005, the Examiner did not enter the proposed amendments submitted by Applicant in the Amendment and Response filed on February 10, 2005 because the Examiner alleged that the amendments raise new issues that require further consideration and/or search. Applicant respectfully requests that the Examiner withdraw the finality of the Office Action and the rejection set forth therein, enter the claim amendments, as resubmitted herein, and issue a notice of allowance.

#### **I. Statement of the Substance of the Interview**

Applicant wishes to thank the Examiner for his courteousness in conducting a telephonic interview with the Applicant's representatives on February 2, 2005, following the final Office Action that was mailed on December 20, 2004. On January 26, 2005, prior to the telephonic interview, Applicant submitted to the Examiner "Proposed Claim Amendments" for Applicant's Claim 1. The proposed amendments to Claim 1 that were the subject of the telephonic interview are the same as the amendments submitted herewith and that appear on page 3 of this Request for Continued Examination in the **Listing of the Claims**.

Applicant began the discussion by noting that the proposed amendment to Claim 1 includes the limitation "adjustable." Furthermore, among the items of discussion during the interview was Applicant's strong contention that the Examiner's main reference, U.S. Patent No. 4,669,688 to Itoh et al. (hereinafter, "Itoh et al."), neither anticipates nor obviates the claims of Applicant's invention. The Applicant pointed out that Itoh et al. do not disclose, teach, or suggest a second jaw having at least two notches. Furthermore, Applicant pointed out that Itoh

et al. fail to disclose, teach, or suggest a tension strap having at least one through-aperture having an inner edge through which the second jaw is able to pass, the inner edge of the through-aperture releasably engaging at least one of the notches upon passing the first end of the second jaw through the through-aperture, wherein the notches correspond to differing levels of clamp force. Applicant further explained that in Itoh et al., the notch is engaged *without* the jaw or protrusion extending *through* the tension strap, which are essential elements of the previous version of the claims and the currently amended version of the claims. The Examiner asked the Applicant to clarify what is meant by "clamp force" and the Applicant explained that clamp force refers to the amount of force exerted to hold the objects in the clamp in place. The Applicant referred Examiner to page 4 of the Specification, which supports the Applicant's definition of "clamp force."

The Examiner then agreed with the Applicant that Itoh et al. do not disclose a second jaw with at least two notches, and that further, Itoh et al. do not disclose a tension strap with a through-aperture through which an end of the second jaw passes.

The Examiner then raised three additional references, U.S. Patent No. 5,725,185 to Auclair, U.S. Patent No. 5,367,750 to Ward, and U.S. Patent No. 5,305,978 to Current. Each of these references was previously raised in the Office Actions as prior art made of record. Applicant pointed out that, similar to Itoh et al., none of these references disclose, teach or suggest a clamp comprising a tension strap having a through-aperture through which an end of a jaw is able to pass. Examiner then acknowledged this distinction.<sup>1</sup>

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<sup>1</sup> Notably, the Examiner failed to include the distinction regarding the through aperture of the tension strap in the interview summary.

Before the interview concluded, the Examiner referred Applicant to U.S. Publication No. 2002/0096546 to Bogoslofski (hereinafter, "the Bogoslofski publication"). Specifically, Examiner referred Applicant to Figures 4 and 9 of the Bogoslofski publication. Applicant responded that in contrast to Applicant's proposed amended Claim 1, the Bogoslofski publication fails to disclose a second jaw having at least two notches. Further, Applicant noted that the Bogoslofski publication does not disclose a tension strap having a through aperture.

The Examiner issued a Summary of the Telephonic Interview, in which he indicated that the prior art discussed was: U.S. Patent No. 4,669,688 to Itoh et al., U.S. Patent No. 5,367,750 to Ward, U.S. Patent No. 5,725,185 to Auclair, U.S. Patent No. 5,305,978 to Current, and U.S. Patent Application No. 2002/0096546 to Bogoslofski. The Examiner noted that the Applicant's representatives and the Examiner agreed that none of the cited prior art teaches "at least two notches," as claimed in Applicant's proposed amended claim 1. Applicant respectfully further submits that none of the cited prior art teaches a tension strap having at least one through-aperture through which the second jaw is able to pass.

## II. Response

Applicant has amended the paragraph beginning on page 3, line 30 of the Specification to correct a typographical error. Support for this amendment is found in the application and no new matter is added.

Claims 1-9 are currently pending. Claims 1-9 have been rejected. Applicant has amended Claim 1 for purposes of clarity only and not to distinguish the claimed invention from the prior art. Respectfully, the Applicant submits that even the prior version of the claims recited

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an invention that was not disclosed or taught in the prior art. The subject matter of the amended claims is supported by the application and no new matter is added. Reconsideration is respectfully requested.

Applicant respectfully submits this Request for Continued Examination so that the Examiner may complete the additional search to which the Examiner referred in his Advisory Action dated March 17, 2005. Applicant also respectfully submits that the patent application, and the claims, as amended, therein are in a condition for allowance. Accordingly, reconsideration and allowance of the claims is respectfully requested.

Applicant would appreciate the courtesy of a telephone call should the Examiner have any questions or comments with respect to this response or the claim language for purposes of efficiently resolving same.

The Commissioner is hereby authorized to charge Deposit Account No. 03-2026 for any fees associated with this Request for Continued Examination.

Respectfully submitted,

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